

Chapter 17.53: Variances

§17.53.010. Purpose

When literal interpretation of the provisions of Title 17 of the Logan Municipal Code results in a situation where the property owner does not have the opportunity to exercise basic property rights, the City may consider an application to vary the standards of this Title. The purpose of a variance is to relate only to the hardship identified and to ensure that the property is not deprived of privileges granted to other properties in the same area or zoning district.

§17.53.020. Standing to Apply for a Variance

Any person who owns, leases, or otherwise holds an interest in property may apply to the Board of Adjustment for consideration of a variance. If the person making the application is not a record owner of the subject property, written permission of the property owner is required prior to acceptance of the variance application as complete.

§17.53.030. Procedures, Reports and Hearings

Applications for variances are processed under the provisions of Chapter 17.55 and the requirements of this chapter. Applications for variances are heard before the Board of Adjustment.

§17.53.040. Board of Adjustment Action

A. Findings Required to Approve or Conditionally Approve a Variance

The Board of Adjustment may approve or conditionally approve a variance only upon substantiating the following findings:

1. The variance does not authorize a use other than uses specifically permitted or conditionally permitted in the zoning district.
2. The literal enforcement of the zoning code related to the site development standard for which the variance is sought will cause an unreasonable hardship for the property owner that is not necessary to carry out the general purpose of the zoning code.
3. There are special circumstances related to the subject property that do not generally apply to other properties in the same zoning district.
4. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
5. The variance will not substantially affect the General Plan and will not be contrary to the public interest.
6. The spirit, policies, and objectives of the zoning code are accomplished with this variance and substantial justice is done for the property owner without altering the essential character of the zoning district in which the subject property is located.
7. The variance will not adversely affect the public health, safety or welfare.
8. The subject property's physical or topographic characteristics is the cause of the variance.
9. The variance is not granted because of purposes of economic issues or as a result of a self-imposed hardship.
10. Special circumstances apply in conformance with the provisions of Utah Code 10-9-707(2)(a) in that the special circumstances relate to the hardship causing the variance request and failure to recognize the special circumstances denies the property owner privileges granted to other properties in the same district.

11. The Board of Adjustment finds that the proponent has submitted substantial evidence supporting the approval of the variance in conformance with the requirements of State law.
 12. There is no increase beyond the number of dwelling units specified in the zoning district in which the site exists.
- B. Conditions That May Be Imposed on Variances
- The Board of Adjustment may conditionally approve a variance with the addition of conditions reasonably related to the relief granted by the approval. The conditions imposed by the Board may include and are not limited to:
1. The action to conditionally approve a variance shall specify the description of the relief granted by the approval in terms of distance, size, or other quantifiable description;
 2. The action shall not extend other variances not specifically approved by the Board.
 3. The Board may impose other conditions as found necessary to:
 - a. mitigate any harmful affects of the variance; and
 - b. serve the purpose of accomplishing the standard or requirement that is being waived or modified.
 4. Streets and roads in the area;
 5. Ingress and egress to adjoining existing and proposed public streets;
 6. Location and amount of off-street parking;
 7. Internal traffic circulation system;
 8. Fencing, screening and landscaped separations;
 9. Building bulk and location;
 10. Usable open space;
 11. Signs and lighting;
 12. Noise, vibration, air pollution, and other development factors;
 13. No approved development may be modified, structurally enlarged, or expanded in ground area unless the site plan is amended by the Planning Commission.

Chapter 17.54: Reserved